UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/23
29 January 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 8 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Note by the Secretary-General

1. In paragraph 11 of its resolution 1998/1, the Commission on Human Rights requested the Secretary-General to provide it with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation.

2. The Secretary-General accordingly draws the attention of the Commission to the United Nations reports listed hereunder, which have been issued since the closure of its fifty-fourth session on 24 April 1998.

A/53/13	Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East
A/53/35	Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People
A/53/136	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for the period 30 August to 31 December 1997
A/53/136/Add.1	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for the period 1 January to 31 May 1998

GE.99-10550 (E)

A/53/153-E/1998/75	Report of the Secretary-General on assistance to the Palestinian people
A/53/163-E/1998/79	Note by the Secretary-General on Economic and Social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan
A/53/213	Report of the Secretary-General on assistance for the reconstruction and development of Lebanon
A/53/259	Report of the Secretary-General on the work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
A/53/260	Report of the Secretary-General on the occupied Syrian Golan
A/53/264	Report of the Secretary-General on Israeli practices affecting the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem
A/53/280	Report of the Secretary-General on the right of peoples to self-determination
A/53/518 and Corr.1	Report of the United Nations Conciliation Commission for Palestine
A/53/537	Note by the Secretary-General on the situation of human rights in southern Lebanon and western Bekaa
A/53/550	Report of the Secretary-General on the situation in the Middle East
A/53/551	Report of the Secretary-General on the University of Jerusalem "Al-Quds" for Palestine refugees
A/53/569	Report of the Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East
A/53/597	Report of the Special Political and Decolonization Committee (Fourth Committee) on the United Nations Relief and Works Agency for Palestine Refugees in the Near East
A/53/598	Report of the Special Political and Decolonization Committee (Fourth Committee) on the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

A/53/612	Report of the Second Committee on the permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources
A/53/644	Report of the Secretary-General on Palestine refugees' properties and their revenues
A/53/652	Report of the Secretary-General on the peaceful settlement of the question of Palestine
A/53/660	Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
A/53/661	Thirtieth report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories
A/52/1002 and Corr.1	Note by the Secretary-General on participation of Palestine in the work of the United Nations

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/24
20 January 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Report on the situation of human rights in the Palestinian territories occupied since 1967, submitted by Mr. Hannu Halinen, Special Rapporteur, pursuant to Commission on Human Rights resolution 1993/2 A

Introduction

1. At its forty-ninth session, the Commission on Human Rights adopted resolution 1993/2 A of 19 February 1993, in which it decided to appoint a special rapporteur with the following mandate:

> "(a) To investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967;
>
> "(b) To receive communications, to hear witnesses, and to use such modalities of procedure as he may deem necessary for his mandate;
>
> "(c) To report, with his conclusions and recommendations, to the Commission on Human Rights at its future sessions, until the end of the Israeli occupation of those territories."

2. The former Special Rapporteur, Mr. René Felber (Switzerland), presented reports to the Commission at its fiftieth and fifty-first sessions (E/CN.4/1994/14 and E/CN.4/1995/19 respectively). The current Special Rapporteur, Mr. Hannu Halinen (Finland), presented reports to the Commission at its fifty-second, fifty-third and fifty-fourth sessions (E/CN.4/1996/18, E/CN.4/1997/16 and E/CN.4/1998/17, respectively).

3. The Special Rapporteur once again wishes to reiterate the belief that his role is not an accusatory one, but rather has the objectives of establishing a meaningful and constructive dialogue with all the parties concerned and helping overcome problems having to do with human rights concerns in the area. He continues to believe that the exercise of his mandate should prevent violations of human rights and improve the overall human rights situation.

4. During the period under review, the Special Rapporteur met with representatives of Governments, intergovernmental, non-governmental organizations and individuals and received written information from intergovernmental and non-governmental organizations as well as individuals. The Special Rapporteur should once again like to reiterate his regret at the lack of cooperation on the part of the Government of Israel, which he continues to believe would be clearly in the interest not only of respect for human rights but also of the Government itself.

5. Since the last session of the Commission on Human Rights, the Special Rapporteur availed himself of every opportunity afforded to him to hold both formal and informal discussions on issues related to his mandate, in Geneva, Brussels, the Middle East and other venues. Before submitting his report to the Commission, the Special Rapporteur decided to carry out a visit to the occupied Palestinian territories, Israel and Egypt from 3 to 12 January 1999, together with a staff member from the Office of the High Commissioner for Human Rights. He visited Jerusalem, Gaza, Ramallah, Jericho, Tel Aviv, and Cairo.

6. The Special Rapporteur met in Ramallah with the President of the Palestinian Authority, Mr. Yasser Arafat, and discussed issues relating to his mandate. Also in Ramallah, he met with Mr. Nabeel Shaath, Minister of Planning and International Cooperation of the Palestinian Authority, and with Mrs. Hanan Ashrawi, Member of the Palestinian Legislative Council. In Jericho, the Special Rapporteur met with Mr. Saeb Erekat, the Minister for Local Government of the Palestinian Authority. In Gaza, the Special Rapporteur met with Mr. Kamal El-Sharafi, Chairman of the Committee of Oversight and Human Rights of the Palestinian Legislative Council; as well as with Dr. Haider Abdel Shafi, Commissioner-General of The Palestinian Independent Commission for Citizens' Rights. While in Gaza, the Special Rapporteur met with Mrs. Soha Arafat, President of the Palestinian High Council for Motherhood and Childhood, as well as with Mr. Chinmaya Gharekhan, the United Nations Special Coordinator in the Occupied Territories. In Jerusalem, the Special Rapporteur met with Mr. Feisal Husseini. During his visit to the area, the Special Rapporteur met with representatives of United Nations agencies, national and international humanitarian organizations, with representatives of a large number of Palestinian and Israeli non-governmental organizations, academic institutions as well as with private individuals.

7. In June 1998, the Special Rapporteur attended a conference in Jerusalem entitled "Fifty Years of Human Rights Violations".

8. In Egypt, the Special Rapporteur met in Cairo with Mr. Amr Moussa, the Minister for Foreign Affairs of Egypt, and Mrs. Naila Gabr, Deputy Assistant

Foreign Minister for Human Rights. While in Cairo, the Special Rapporteur also met with Mr. Ahmed Esmat Abdel Meguid, the Secretary-General of the League of Arab States, and Mr. Said Kamal, the head of the Palestinian Affairs Department of the League of Arab States. In addition, he met with Mr. Edmund Cain, United Nations Resident Coordinator, and Mr. Nadir Hadj-Hammou, Deputy Resident Representative, United Nations Development Programme.

9. The Special Rapporteur wishes to express his appreciation to Mr. Arafat and the Palestinian Authority for the kind cooperation extended to him in the course of his mission. The Special Rapporteur also wishes to extend his appreciation to Mr. Amr Moussa and the Government of Egypt as well as to the League of Arab States.

10. The Special Rapporteur expresses his sincere gratitude to the High Commissioner for Human Rights and to the United Nations Special Coordinator in the Occupied Territories and the staff of their offices in Gaza for the most efficient logistical and other support provided to the mission.

I. PRINCIPAL CONCERNS REGARDING THE SITUATION OF HUMAN RIGHTS

11. Despite encouraging steps agreed upon at Wye Plantation in October 1998, the process leading to a lasting peace remains stalled. Some positive developments can be recognized in the alleviation of human rights concerns in the area. However, the threat of further human rights violations has increased in a tangible way due to frustration linked to the non-implementation of the agreed processes, on the one hand, and heightened political tension on the other.

12. The Special Rapporteur reaffirms once again that sustainable peace cannot be achieved without respect for human rights. The promotion and protection of human rights is an indispensable part of maintaining and strengthening peace and security as well as advancing social and economic development. A piecemeal approach to peace is not viable; only a comprehensive peace covering the economic, social and security interests of both sides can guarantee a lasting solution. Human rights are universal, indivisible, interdependent and interrelated. This approach, adopted by the international community at the World Conference on Human Rights, applies also to peace. The old axiom, Si vis pacem, para bellum (If you want peace, prepare yourself for war.), can no longer offer either side an acceptable justification, in terms of purely military considerations. A wider concept of security - as discussed and formulated in other regions of the world - is required to establish the basis for the search for peace between Israelis and Palestinians.

13. To understand the inherent interrelationship between human rights and peace and security requires trust on both sides in future peaceful coexistence between the two peoples, based on equal human values. Instead of imposing unilateral acts on the other partner, a determined quest by both sides for confidence-building measures is urgently needed. Confidence is not built by breaking agreements or acquiescing to situations that cause frustration. In the long run, an effective fight against terrorism is unthinkable without trust and confidence between the parties.

14. The foundation of peace and security is firmly established in international law. Strict adherence, de facto and de jure, to international human rights law and international humanitarian law is the prerequisite for creating trust and strengthening security in the wider sense. The Israeli occupation of the Palestinian territories is the root cause of human rights violations in the area. The occupation remains legally in force during the transition period. International humanitarian law, and particularly the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is therefore fully applicable to and binding on the Government of Israel.

15. The United Nations General Assembly, in its resolution ES-10/3 recommended that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with their obligations under article 1. This recommendation was reiterated in resolutions ES-10/4 and ES-10/5. It is necessary to proceed on the path suggested by the General Assembly as soon as possible, for two main reasons: first, at a time of complex political processes there is a need to reaffirm the legal status of the occupied territories until the end of the occupation; second, the human rights and humanitarian concerns as described below are in themselves a raison d'être for re-establishing the applicability of the Convention in general, as well as with respect to the concrete situations in question.

16. Notwithstanding steps taken to improve the Palestinian economy - such as shorter periods of closures, increased number of work permits, the opening of the Gaza airport and discussions on the seaport and industrial park - there are still no signs of sustained economic growth. Too many factors remain which create obstacles in the pursuit of, inter alia, open access to markets, fair competition rules and taxation procedures, as well as private and public sector investments. The disproportional dependence of the occupied territories on the Israeli trade and economy does not allow healthy economic development for the Palestinians. To let Palestinians exercise their right to economic development would inevitably contribute to enforcing political stability and security for both Israelis and Palestinians.

17. The following paragraphs contain a brief summary of the principal concerns regarding the situation of human rights in the Palestinian territories occupied since 1967. The Special Rapporteur wishes to reiterate that the reason he draws attention to these concerns is to foster respect for human rights. They should therefore not be read as being accusatory, but rather in the context of finding ways to overcome these concerns. The report once again contains less first-hand information than the Special Rapporteur would have hoped to present owing to the lack of a possibility to visit Israel officially. He remains convinced that more contacts and discussions would enable him to fulfil his mandate in an even more objective and impartial manner.

18. The Special Rapporteur wishes to recall that during his visits to Gaza, East Jerusalem, parts of the West Bank and Israel, he was able to obtain valuable written and oral information from intergovernmental, non-governmental and humanitarian organizations as well as from individuals. He made a point

of meeting the main Israeli non-governmental organizations in order to ensure that his sources of information were as wide and accurate as possible in light of the constraints cited above.

19. Violations of human rights in the occupied Palestinian territories have continued during the period under review, to a large extent along the same lines as in the past. During his recent visit to the area, the Special Rapporteur was able to gain insight into the human rights issues currently giving rise to the greatest preoccupation among the Palestinian population. These concerns have been exacerbated by the unilateral suspension by Israel on 2 December 1998 of the implementation of the Wye River Memorandum. Several interlocutors told the Special Rapporteur that human rights violations actually stemmed from the peace agreements and that the Palestinian population was currently living in a vacuum as far as protection of their human rights was concerned. He was told that Israel was violating human rights in the name of security. Nevertheless, human rights were, more than before, being seen by some as the vehicle to advance the peace process.

20. The occupation was viewed as being more forceful after the beginning of the peace process. The Special Rapporteur was told that before the peace process, the majority of human rights violations were individual, whereas they had become more collective in nature. The general human rights situation in areas under the control of the Palestinian Authority had deteriorated since the signing of the Wye River Memorandum. People thought that the situation was better without the peace process. Other sources informed the Special Rapporteur that not much had changed in the pattern of human rights violations, but rather in their scope.

21. The expansion of existing Israeli settlements and the building of new ones, as well as bypass roads connecting the settlements between themselves and with Israel, is currently the source of greatest concern in the occupied territories. In addition, the bypass roads disrupt the demographic continuity of the Arab environment. Ten bypass roads are said to have been built in the occupied territories in 1998. The attendant confiscation of Palestinian-owned land and the destruction of their agricultural infrastructure is further exacerbating tensions in the occupied territories. The Special Rapporteur was told that for the first time, farmers in some areas were prevented by the Israeli authorities from harvesting their crops. The Special Rapporteur's attention was drawn by all of his interlocutors to the pronounced increase in Israeli settlement activity and the concomitant confiscation of Palestinian-owned land since the signing of the Wye River Memorandum in October 1998. According to most estimates, the number of settlements built in contravention of article 49 of the Fourth Geneva Convention has reached 190.

22. The Special Rapporteur was able to visit a number of settlements in and around Jerusalem and to observe the network of bypass roads. He was informed that the building of 28 new bypass roads was announced after the signing of the Wye River Memorandum. He was told that the Israeli occupation had deprived Arab Jerusalemites of approximately 80 per cent of their land and that there were currently 17 settlements which spread in three "belts" around the city. The intention was to expand "Greater Jerusalem" into "Metropolitan Jerusalem", an "umbrella" that would incorporate neighbouring municipalities. The Special Rapporteur was told that 52 per cent of the land in East Jerusalem

was for Palestinians while some 34 per cent had been given to Jews. There were practically no Jews in East Jerusalem in 1967; at present, there are some 163,000 Israelis and 155,000 to 158,000 Palestinians. The Israeli authorities have set the ratio of the Israeli and Palestinian populations in East Jerusalem at 73.5 per cent Jews and 26.5 per cent Arabs. Of particular concern to Palestinians was Israeli construction in the Arab neighbourhoods of Ras El Amud and Silwan. After the signing of the Wye River Memorandum, settlers seized a house in the Sheikh Jara neighbourhood and moved into two additional houses. Preparations for similar actions were said also to be under way in Ras El Amud and Burj Laqlaq. Numerous Bedouin are threatened with eviction from sites near the settlements in the Jordan Valley and Jericho areas. The Special Rapporteur visited a Palestinian living in a bus which is completely surrounded by a settlement built on his land.

23. The Special Rapporteur was able to observe the infrastructure work which had been carried out for the settlement on Jabal Abu Ghneim, to be called Har Homa. It will be recalled that in its resolution ES-10/2, the General Assembly condemned the construction by Israel of a new settlement in Jabal Abu Ghneim to the south of occupied East Jerusalem, and reaffirmed that Israeli settlements in all the territories occupied by Israel since 1967 were illegal and an obstacle to peace. In its resolution ES-10/3, the Assembly condemned the failure of the Government of Israel to comply with the demands made by the Assembly at its tenth emergency special session in resolution ES-10/2. It reiterated that all illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, especially settlement activity, and the practical results thereof could not be recognized irrespective of the passage of time.

24. The increased rate of demolition of Palestinian houses which has continued unabated has given rise to serious concern over the period under review. The reason given is that they had been built without a licence, in an "unscientific way" or in a "green area". Some 21,000 housing units would be required for the Palestinian inhabitants of Jerusalem alone. A licence to build a house, which involves a lengthy procedure, costs approximately US$ 25,000 and expires within a year even if no construction takes place. In addition, Palestinians are not allowed to build more than two floors. In 1997, the Special Rapporteur visited the Samud "Steadfastness Camp" on a site in East Jerusalem where some 70 families whose houses had been demolished were living in tents in order not to leave the municipal boundaries of Jerusalem and lose their identity cards. During his recent visit to the area, he visited 16 of those families who are now living in an unfinished building in East Jerusalem with no amenities. According to the sources, 31 Palestinian structures were demolished in Jerusalem in 1998, affecting more than 300 persons including 120 children. He was told that 17 houses and a school had been demolished for the construction of Road No. 1. Over 700 demolitions are estimated to have taken place from the signing of the Oslo Accords until the end of 1998. The Special Rapporteur was informed that, in addition to constituting collective punishment, house demolitions were considered by Palestinians as sources of extreme provocation and incitement.

25. The situation of the Arab inhabitants of Jerusalem continued to be precarious, particularly with regard to their identity cards, which made the registration of newborn children and family reunification in the city

difficult. The registration of children may take up to seven years if one of the parents is not from Jerusalem. It is estimated that there are currently some 10,000 unregistered Palestinian children in Jerusalem. This means that they do not have a birth certificate and cannot obtain an identity card at the age of 16, cannot enrol at a university or get married. The "centre of life" criterion has continued to be applied by the Israeli authorities to determine whether Palestinians are entitled to live in Jerusalem. All Palestinians in Jerusalem are considered as foreigners and the "Law of Entry into Israel" of 1952 is applied. The Special Rapporteur was informed that many persons with identity cards discover that they have been deleted from the municipality's computer. From January to August 1998, 346 identity cards were taken from Arab Jerusalemites. The Special Rapporteur was informed that the conflict was being changed from a national into an ethnic one. He was told that the Israeli authorities applied a "three circles policy" to the Arab inhabitants of Jerusalem, consisting of isolation, deportation and replacement, with the alleged aim of reducing the Palestinian population to not even a minority by the time of the final status negotiations.

26. The Special Rapporteur was informed that the issue of residency rights and identity cards had serious repercussions on the health of Arab Jerusalemites, particularly infants, since the National Insurance Institute conducts an investigation of the whole family's residency status every time a child is born. The investigation may take more than a year and starts anew with every new birth in the family. During the investigation, the infant does not benefit from health insurance. This practice may have very serious repercussions for children who require medical treatment after birth. The Special Rapporteur was informed that the infant mortality rate in East Jerusalem was double that of the Jewish sector.

27. The Special Rapporteur was informed about the situation of disabled Palestinians and the legacy of the occupation with regard to the destruction of the infrastructure, affecting economic and social rights and having a negative psychological effect. Disabled Palestinians felt discriminated against and said they were receiving only 15 to 20 per cent of the services provided to Israelis. The Special Rapporteur was told that Israeli soldiers treat Palestinians with disabilities in a dehumanizing way and that many did not receive permits to enter Israel for treatment. It was estimated that some 15,000 Palestinians were permanently disabled during the intifada. Reference was made to the access law regarding all public facilities. The situation of prisoners with disabilities was described as particularly difficult. In addition, the Special Rapporteur was told that prisoners who had been imprisoned in small spaces could develop physical disabilities.

28. The issue of Palestinian prisoners who remain detained in Israeli prisons and detention centres, in violation of articles 49 and 76 of the Fourth Geneva Convention, continues to be a serious source of concern for the population of the occupied territories. The Special Rapporteur was informed that more than 2,200 Palestinians continue to be detained in Israel, 7 of whom are women and some 40 of whom are minors under 16 years of age. Their conditions of detention were described as not meeting international standards, especially regarding medical care and sanitation. The Special Rapporteur was told that detainees only received urgent dental treatment while convicted prisoners receive more thorough dental treatment. Many prisoners are placed

in isolation, individually and in groups, at times reportedly for no reason or on the grounds that they are "troublemakers". The Special Rapporteur was informed that two prisoners had been killed during a recent hunger strike.

29. A serious problem facing Palestinian detainees is lack of access to their lawyers and of family visits owing to the restrictions placed by the Israeli authorities on the freedom of movement of Palestinians between parts of the occupied territories and Israel. The Special Rapporteur was informed that some prisoners had not received family visits for years because their family members cannot obtain a permit to enter Israel. Prisoners are occasionally subjected to transfers which creates additional difficulties for visits. The Special Rapporteur was told that the sentences meted out to Palestinian prisoners were harsher after the signing of the Oslo Accords. For example, on 4 January 1999 five minors were sentenced to five-month prison sentences for throwing stones. A number of Palestinian detainees are represented by Israeli lawyers.

30. Palestinian lawyers have complained that they do not receive Israeli military orders in writing immediately after they have been issued. Military orders are issued in accordance with the Emergency Regulations dating back to the British Mandate and are applicable even in area A which is under the control of the Palestinian Authority. The Special Rapporteur was told that the lack of due process and of fair trial guarantees has serious repercussions for both the prisoners and their family, especially children, including at the psychological level. The Special Rapporteur was informed about Military Order 1456 of 11 June 1998 concerning armed civil guards in settlements whom the police are allowed to ask for assistance. He was told that settler guards, like the police and army, have the right to arrest persons. Four Palestinians were killed by settlers in the West Bank in 1998. So far, 1,457 military orders have been issued regarding the West Bank and 1,316 concerning the Gaza Strip.

31. The Special Rapporteur was informed that the number of administrative detainees had declined considerably during the period under review, and currently stands at fewer than 100 persons. Among the administrative detainees are persons who had served their prison terms and had been transferred to administrative detention instead of being released, as was the case with a person who had completed serving a 10-year prison sentence. In 1998, three persons from the Gaza Strip were placed in administrative detention. There were nine hunger strikes in different prisons during the same period. The current longest-standing administrative detainee is in his fifth year of detention. It should be recalled that the Oslo Accords called for the release of Palestinian detainees. In addition, the Wye River Memorandum called for the release of 750 Palestinian prisoners, only 250 of whom have been released to date.

32. Administrative detentions by the Palestinian Authority continue to be worrying. Reportedly, there was a sharp increase in detentions during the last months of 1998. Many cases were related to individuals exercising their right to freedom of expression.

33. The interrogation methods used by the Israeli General Security Service (GSS) with regard to Palestinian detainees and prisoners suspected of

alleged security offences have remained the same. The Special Rapporteur was informed that the new development in this connection was that the GSS had stopped denying that it resorts to such methods. It will be recalled that the administrative guidelines under the confidential Landau Commission report followed by the GSS permit the exercise of "moderate physical pressure" and that, in 1997, the United Nations Committee against Torture found that such methods constituted breaches of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Israel in 1991, and therefore amounted to torture. International law absolutely prohibits torture and "no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture". The Committee recommended that interrogations applying any other methods that are in conflict with the provisions of articles 1 and 16 of the Convention cease immediately.

34. One source informed the Special Rapporteur that during the period under review, the methods of torture used by the GSS had become less dramatic and violent, mostly consisting of hooding and position abuse. Nevertheless, the Special Rapporteur was informed about an interrogation method which consisted of cutting off a detainee's blood circulation by placing him in extremely tight handcuffs; the resulting strong pressure on the upper arm causes the person to lose consciousness in approximately three minutes. A lawyer showed the Special Rapporteur a "torture chart" drawn up by the GSS indicating the type of torture or ill-treatment to which a detainee or prisoner was subjected, on what dates and at what times.

35. The Special Rapporteur's attention was drawn to the role of doctors in the context of interrogation methods amounting to torture who are required to fill in a type of "fitness for interrogation" form, thereby indicating which interrogation methods should not be used and hence contributing to torture. He was informed that the GSS law and the discussion of the bill concerning compensation to Palestinian victims of torture by the Israel Defence Forces in the Knesset Committee on Constitutional Law had been suspended, but that they could be resumed at any time.

36. The Special Rapporteur met in Gaza with mental health professionals who deal with Palestinian torture victims. They informed him that even years after their release, former prisoners and their families continued to suffer traumas which affected the whole Palestinian community. One of the manifestations of the humiliation and psychological effects of torture was domestic violence. The Special Rapporteur's interlocutors were currently working on prevention, capacity-building, awareness campaigns and training services in the field of mental health as well as therapies to teach people how to cope. Numerous people suffered from Post Traumatic Stress Disorder. The situation of former prisoners and their wives and children was further compounded by the serious economic situation in which parents at times cannot even provide the family with food, as well as the dashed hopes regarding the peace process and the hardships it has brought to the population of the occupied territories. The Special Rapporteur was informed that the unemployment rate in Gaza stood at 62 per cent and that there was a very strong correlation between the unemployment of fathers and anxiety in children.

37. The Special Rapporteur was informed about the process of legitimizing torture in Israel through legislation. To date, the High Court of Justice has not pronounced itself regarding the legality of interrogation methods which amount to torture, but has lifted interim injunctions prohibiting torture with regard to specific cases. The Knesset has also not taken a decision on the matter to date. Should it pass legislation to that effect, Israel would become the first country to officially legalize torture. The Special Rapporteur was informed that the Israeli authorities persisted in the affirmation that the methods described above did not amount to torture.

38. Palestinians detained by the Palestinian Authority are often, in the course of interrogation, subjected to torture. It has been mentioned that in a number of cases, a chain of culpability can be established: the Palestinian policeman torturing detainees may well himself have been a victim of torture by Israelis.

39. The Special Rapporteur was informed that on the whole, strict closures of the occupied territories as a form of collective punishment had been implemented to a lesser degree than in the past. Nevertheless, the occupied territories were subjected to six weeks of closure between September 1998 and mid-November. Closures as well as curfews continued to be applied in specific locations in the occupied territories when security incidents occurred.

40. Palestinian workers need a permit to work in Israel. These are issued in limited numbers and according to certain criteria. The permits are time-limited and allow the bearers to work, but are not obtained through a governmental employment agency so the workers do not get health and other insurance, proper wages and other benefits. Most Palestinian workers employed in Israel receive minimum wages or well below that level. The Special Rapporteur was informed that restrictions on the freedom of movement and the need to obtain work permits were becoming a form of blackmail used against workers by so-called "permit brokers". In addition, the sources stated that the issuing of magnetic identity cards and the renewal of permits had increasingly become conditioned upon accepting to collaborate with the Israeli security authorities. The Special Rapporteur was informed that numerous workers were fired after only a few days and their permits cancelled. There has been a 30 per cent increase in this type of worker complaint during the period under review: 120 out of 300 cases of complaint concerned cheating by Israeli employers. Workers were on occasion also beaten by their employers. Employers have also threatened workers who ask for their rights with dismissal or tell them they will call the police and say that the worker tried to stab them. The situation of Palestinian workers was said to be worst in the Erez industrial zone.

41. The limitations imposed on the freedom of movement of the population of the occupied territories have continued to affect to a large extent their social and economic well-being. In addition to the limited number of Palestinian workers who have permits to work in Israel, the harsh economic situation has been further compounded by the failure of Israeli tax authorities to refund monies owed to Palestinians. The Palestinian and Israeli economies continue to be closely interrelated, and the Palestinian economy is totally dependent on Israel. The Special Rapporteur was told that 90 per cent of all goods consumed by Palestinians come from Israel. The

amount of Israeli control exercised over the import and export of goods, in particular agricultural produce, continued to have a negative impact on Palestinian trade.

42. Palestinians still need permits to enter Israel and other parts of the occupied territories, in particular East Jerusalem, despite the fact that article 4 of the Declaration of Principles on Interim Self-Government Arrangements states that "the two sides view the West Bank and the Gaza Strip as a single territorial unit". The subsequent Interim Agreement signed on 28 September 1995 provides for procedures to operate a "safe passage" between the two parts of the territories, which has not occurred to date. Movement between parts of the occupied territories and between the occupied territories and Israel remains very difficult. During his recent mission to the area, the Special Rapporteur was obliged to hold one meeting in the West Bank since one of the persons present did not have a permit to enter Jerusalem.

43. The Special Rapporteur was once again informed about the situation of children in the occupied territories, in particular in the Gaza Strip. He was informed that the economic and social situation also affected the health of children. According to a survey, 20 per cent of children under six years of age suffered from malnutrition. Most children do not complete primary education. The Special Rapporteur was informed that children in the Gaza Strip were harassed by soldiers near settlements when they had to cross certain areas in order to go to school. In addition, some 400 students from Gaza continued to be denied access to universities in the West Bank. As an example, the Special Rapporteur was informed that five years ago, 35 per cent of students in one faculty of Bir Zeit University in the West Bank were from Gaza. This number has now been reduced to 1 out of 120. The restrictions imposed on the freedom of movement of Palestinians continued to have serious repercussions on their health, causing daily suffering for people who cannot get permits in order to undergo medical treatment in Israel or other parts of the occupied territories. The Special Rapporteur was told that out of the 600 children born with a congenital heart condition in Gaza, only half were sent for treatment.

44. The Special Rapporteur visited the Palestinian High Council for Motherhood and Childhood which was in the process of developing a Palestinian National Plan for Motherhood and Childhood. He also visited the "Palestine Avenir Foundation" which had programmes for children in the areas of rehabilitation of physically handicapped children; a mobile education unit; education and culture courses; and a mural painting programme.

45. The number of violent clashes between Palestinians and Israelis declined owing to the fewer opportunities for direct physical contact in comparison to the intifada period. Still, 334 Palestinians have been killed by Israeli soldiers or settlers since the Oslo peace process began. Five Palestinians were killed during recent clashes in the occupied territories, some of whom by rubber-coated steel bullets which are used to disperse demonstrations. One of them was 20-year-old Nasser Erekat who was shot in the head with a rubber bullet from a distance of about 10 metres while the Israeli army's rules of engagement directives concerning regulations for opening fire stipulate that rubber bullets should not be fired from less than 40 metres' distance, should not be fired at children, and should only be fired at the lower part of the

body. It is estimated that since the beginning of the intifada, at least 57 Palestinians, including 28 children, have been killed by rubber-coated steel bullets. Hardly any soldiers have been brought to justice. In Bethlehem, 18 children were shot by Israeli soldiers in recent clashes and 2 persons were killed in Kalkiliya by live ammunition. Most of the persons injured had been shot in the lower part of the body.

46. The Special Rapporteur was informed that there were fewer deaths at checkpoints owing to Israeli soldiers refusing to allow Palestinian ambulances to pass. Nevertheless, there were two deaths at checkpoints in 1998. One of them was a mother who died after childbirth at the checkpoint in Hebron. The Israeli soldiers made her wait because she did not have a permit. The Special Rapporteur was told that the Israeli army had admitted that this was a mistake and against its policy and the soldiers concerned were reportedly brought before a military court.

47. The Special Rapporteur asked most of his interlocutors about people-to-people relations between Israelis and Palestinians. He was told that the Israelis most often encountered by Palestinians were soldiers and settlers. The Special Rapporteur was also told that it was difficult to have people-to-people contacts in the light of the restrictions on the freedom of movement of Palestinians. He was told that there had been a higher level of cooperation between the two peoples during the intifada and before the signing of the Oslo Agreements. One person said that Israel was "the furthest country in the world" for Palestinians.

II. CONCLUSIONS AND RECOMMENDATIONS

48. The human rights situation in the occupied territories is hostage to political considerations and expediences. The understanding of the importance of a wider concept of security, including respect for human rights and humanitarian law, with respect to the Israeli-Palestinian conflict is spreading within the international community. Unfortunately, the parties themselves do not yet share this view, thereby prolonging the conflict unnecessarily.

49. Human rights must be integrated into the political and economic discussions concerning the conflict. To facilitate this, solutions and conclusions reached elsewhere should be carefully studied - such as the model of the Organization for Security and Cooperation in Europe referred to by the Special Rapporteur in his last report (E/CN.4/1998/17, paras. 68-70). Within the United Nations, only a few years ago the interrelationship between human rights and peace and security was fiercely contested. Today, this fact is routinely accepted, highlighted by the Secretary-General, the High Commissioner for Human Rights and Member States in their statements and actions. This consideration could be a starting point for reviewing human rights in the context of ongoing processes, in particular those based on the Oslo Agreements and the Wye River Memorandum.

50. Regrettably, an overall assessment of the human rights situation remains worrying. While there is certain positive development to be recognized on the

Israeli side - such as the decrease in administrative detentions and discontinuation of the most flagrant torture methods - it appears that such violations are increasing on the Palestinian side. The pressure exercised by the Occupying Power on the Palestinian Authority, while explaining many violations, does not justify them, nor does it absolve the Palestinian Authority of its responsibility. Tackling human rights violations is not a zero-sum game: both parties have their responsibilities to combat violations, based on their commitments and obligations under international law.

51. Persons placed under administrative detention by the Palestinian Authority should be brought before a court of justice without delay or released. Decisions of the court should be promptly implemented. Special emphasis should be given to the independence of the judiciary. Torture should not be allowed under any circumstances.

52. The volatile and disturbing political situation requires in-depth studies of the applicability of international law and continuous scrutiny of the fulfilment of obligations therein. This involves mainly the Government of Israel as a party to relevant conventions and agreements. A constructive engagement by the Government of Israel is called for.

53. An early and well-prepared convening of a conference of the High Contracting Parties to the Fourth Geneva Convention, as recommended by the General Assembly, is of the utmost importance.

54. The full and equal enjoyment by women of all human rights is a priority for the United Nations and for its Member States. This includes the integration and full participation of women in the Palestinian nation-building programmes as well as working towards the elimination of violence against women in public and private life. While bearing in mind that respect for rights of women and children in the occupied territories depends to a large extent on religion, social customs and family traditions, determined legislative efforts need to be maintained to enforce those rights.

55. The Palestinian people are being subjected to intensified pressure to do their part in the peace process. The Palestinian Authority, the Legislative Council, Palestinian institutions and the Palestinian people have to work together to fight against all human rights violations and build a democratic nation. The international community, Governments, non-governmental organizations and individuals should increasingly focus on this field in assisting Palestinians in their nation-building programme.

56. The Palestinian Authority, the Legislative Council, non-governmental organizations and the Palestinian people are once again to be commended for the full and constructive cooperation accorded to the Special Rapporteur. Their openness and readiness to discuss the human rights situation in all its aspects in a frank and transparent manner reflects a serious attitude towards respect for human rights. At the same time, it provides the basis for combating violations and improving the situation. The invaluable support of the international community in this work will continue to be crucial in the future.

57. The Government of Israel, regrettably, still refuses to cooperate with the United Nations human rights mechanisms. The position of the Government is contained in a letter addressed to the Special Rapporteur, which is reproduced below:

"Dear Mr. Ambassador,

"1. We have taken note of your request of 22 December 1998, that Israel cooperate with you as Special Rapporteur to the Territories during your forthcoming visit to the area.

"2. As you are aware, on 19 February 1993, the Commission on Human Rights adopted resolution 1993/2 A on the 'Question of the violation of human rights in the occupied Arab territories, including Palestine', in which it decided to 'appoint a Special Rapporteur to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in the Palestinian territories occupied by Israel since 1967'.

"3. This resolution, like any other such resolutions adopted within the United Nations system, singles out Israel in a flagrantly negative way:

"(a) It predetermines the Rapporteur's role, resolving ab initio that Israel is in violation of international law and international conventions.

"(b) Contrary to all other 'geographical' rapporteurs who are appointed by the Commission on an annual basis, this Rapporteur has been assigned an open-ended mandate that is never subject to scrutiny, critique or modification.

"(c) The mandate is intrinsically anachronistic. It disregards the negotiations that have taken place between Israel and the PLO, resulting in a series of agreements by which over 97 per cent of the Palestinian population in the West Bank and the Gaza Strip are living under autonomous Palestinian administration. The Palestinian Authority, established by these agreements, exercises legislative, administrative and judicial powers over virtually all spheres of the population's daily life.

"(d) The mandate completely ignores the fact that there are two sides to the Middle East conflict. The Palestinian Authority has undertaken to respect human rights, yet at least 14 people have died while being tortured under interrogation in Palestinian prisons during the last three years. International humanitarian organizations cite numerous other grave violations of human rights under the Palestinian Authority, which the Rapporteur is not authorized to investigate according to the mandate.

"4. Despite the biased and unbalanced mandate, Israel decided to invite the previous Rapporteur - former President of Switzerland, Mr. René Felber - as a personal guest of the Minister of Foreign Affairs, with a view to assisting him in carrying out his functions.

"5. Two years after his appointment, Mr. Felber reached the conclusion that the problems in the Territories are political, and not humanitarian in nature. He thereupon resigned as Special Rapporteur on 9 February 1995.

"6. The Commission turned a blind eye to the conclusions set out in his report and, in April 1995, appointed a successor, in your person, without consulting Israel or even troubling to inform its Foreign Minister of the appointment.

"7. In light of the above, Israel decided to discontinue its cooperation with the Special Rapporteur, indicating however, that if the mandate were amended to become even-handed and time-limited, Israel would reconsider its position.

"8. Nevertheless, Israel's Ambassador in Geneva cooperated with you informally in 1995, 1996 and 1997, yet your reports have been consistently inaccurate and misleading, containing unsubstantiated or simply false facts, and repeatedly disregarding Israel's position.

"9. In this context, allow me to quote your own reports, between 1996 and 1998 on the need to change your mandate:

> 'the Special Rapporteur invites the Commission on Human Rights to consider amending his mandate in accordance with the foregoing' (para. 40, E/CN.4/1996/18 of 6 March 1996) (emphasis added).
>
> 'it is clear that the mandate of the Special Rapporteur as adopted some four years ago is in some ways obsolete and exceptional; it does not refer at all to the peace process; it does not authorize the Special Rapporteur to study and recommend constructive human rights and humanitarian programmes to prevent violations or remedy their aftermath. It limits itself to Israel's violations only in the Occupied Territories; and unlike all other mandates, its duration is open-ended ...' (para. 37, E/CN.4/1997/16 of 19 February 1997);
>
> 'the mandate of the Special Rapporteur, as it stands, is exceptional. It puts Israel in a different position compared to other countries subjected to the scrutiny of a Special Rapporteur. The mandate prejudges the outcome of the investigation. The consideration of the human rights situation in the area on the basis of the mandate is limited only to Israel's violations of international law. And, the mandate, unlike all the other mandates under the Commission on Human Rights, is not reviewed periodically.

'The main reason given for the unique mandate is the foreign occupation, which is said to constitute a unique situation in the world. It has been the consistent view of the Special Rapporteur that the mandate has to be reviewed.' (paras. 72-73, E/CN.4/1998/17 dated 19 February 1998).

"10. Until a revision is adopted, Israel regrets that it remains unable to accede to your request of 22 December 1998.

"We would request that the full text of this letter be incorporated in the body of your forthcoming report, as an authoritative statement of Israel's position.

"Please accept, Mr. Ambassador, the assurances of my highest consideration.

David Peleg
Ambassador
Permanent Representative"

58. In his statement at the fifty-fourth session of the Commission on Human Rights on 20 March 1998, the Special Rapporteur stated: "The attempt to discredit the report of the Special Rapporteur by the Government concerned is not new in this forum; that is rather expected particularly from a Government refusing to cooperate with the Rapporteur assigned to it. Therefore, to fulfil my task better, I have felt very strongly on the need to accomplish this cooperation. Based on the contents of my reports, the mandate is not and need not be the obstacle to the cooperation. And if that is the case, let me remind you once again that my voice seems to be among those very few who are asking amendments to the mandate - although in my case from the point of view of overall consistency as well as an improved framework for considering human rights".

59. As referred to in the last report (para. 73): "... The only reason for amending the mandate is the respect for human rights; the Special Rapporteur has to have a sufficiently broad mandate to contribute to achieving that goal. To that effect the Special Rapporteur - as an independent expert - needs to be given equal treatment with other special rapporteurs." The Special Rapporteur stands by this statement.

60. Furthermore, the Special Rapporteur stated in his report (para. 77): "... Israel should also have the courage to look beyond the mandate, to cooperate fully with the international human rights mechanisms and to participate actively in the substantive debate in this respect." The contents of the reports of the Special Rapporteur, and particularly the debate attached to the last report at the fifty-fourth session of the Commission, are clear evidence of the fact that there is no linkage between the mandate and cooperation. Nor can the cooperation be conditioned by the mandate.

61. The Special Rapporteur disagrees strongly with the insinuation in the letter cited above that there are no humanitarian problems in the occupied territories. If for nothing else, this report, together with earlier reports, is proof of violations against humanitarian as well as human rights law.

62. As referred to in the Introduction to this report, the Special Rapporteur has made every effort to reflect the situation as accurately as possible, based on information from a wide variety of Palestinian, Israeli and international sources. The Special Rapporteur would undoubtedly also take the facts and position of the Israeli Government into account in his report, should the Government choose to share that information with him.

63. It should be reiterated that the human rights concerns in the occupied territories cannot be held hostage to the political processes and discussions. The United Nations Commission on Human Rights is the main body to draw attention to and conduct an in-depth debate on the human rights situation in the area. This debate cannot take place in a vacuum. On the other hand, it should not be used to attack either party for political purposes only. In the debate - instead of accusing one side or the other for violations of human rights - an effort should be made to clarify the role of human rights in the context of ongoing political and economic discussions. Moreover, the debate should seek ways and means to do away with existing violations and to prevent any new violations.

64. The United Nations human rights mechanism has grown to an extensive network of thematic and country rapporteurs. Further efforts should be made to benefit more effectively from this machinery. Improved coordination and dissemination of information between the rapporteurs are essential. The working methods of the Commission, including its agenda, should continuously be reviewed to ensure the maximum output from its deliberations.

65. The international community has established that a just, comprehensive and sustainable peace settlement in the Middle East is based on certain key principles such as the right to self-determination for the Palestinians, including the establishment of a Palestinian State. Building a civil society under occupation remains a major challenge. Democracy, including regular elections and a multiparty system, and the rule of law are goals that need constant and unwavering attention by the Palestinian Authority, together with the Palestinian institutions and people. Democracy, rule of law and respect for human rights are inextricably linked and where continuous support by Governments, international and non-governmental organizations, donors and individuals is needed most.

66. While celebrating the fiftieth anniversary of the Universal Declaration of Human Rights, it ought to be recalled that almost all provisions of the Declaration are being violated in the occupied territories. To have a real reason to celebrate, let us start to work together to go through all those articles and make them a reality.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/25
10 March 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 9 (a) of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING: QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General submitted pursuant to Commission on Human Rights decision 1998/109

1. The Commission on Human Rights, in its decision 1998/109 of 21 April 1998, decided to retain on its agenda item 10 (a) entitled "Question of human rights in Cyprus", and to give it due priority at its fifty-fifth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The present report is submitted pursuant to that decision and is based on United Nations activities, namely, the Secretary-General's mission of good offices, the United Nations Peace-Keeping Force in Cyprus (UNFICYP) and the Committee on Missing Persons in Cyprus.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay and for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. Since assuming the functions of Secretary-General of the United Nations in January 1997, I have continuously pursued the aim of achieving a comprehensive settlement of the Cyprus problem. Since my last report to the Commission on Human Rights in March 1998, my personal contacts with the leaders of the Greek Cypriot and Turkish Cypriot communities, as well as those of my Special Adviser for Cyprus, Mr. Diego Cordovez, and my Deputy Special Representative, Ms. Ann Hercus, have been devoted to that goal.

4. From 18 to 22 March 1998, my Special Adviser visited the island, where he held separate meetings with Mr. Glafcos Clerides and Mr. Rauf Denktash in an effort to facilitate the resumption of direct talks between them. Mr. Clerides reiterated his readiness to resume direct talks, under my auspices, on the basis of the relevant Security Council resolutions. Mr. Denktash expressed his view on the need to adopt a new approach based on "acknowledgment of the existence of two fully functioning democratic states on the island". He also requested my Special Adviser to convey his views to the Security Council and asked him to arrange a meeting with me to convey this position directly. I met with Mr. Denktash in Geneva on 28 March 1998 and, in a letter addressed to the President of the Security Council (S/1998/410), reported on the meeting. In its reply of 19 May 1998 (S/1998/411), the Security Council reiterated its strong support for my mission on the basis of its relevant resolutions.

5. On 16 June 1998, I reported to the Security Council on my mission of good offices (S/1998/518), summarizing my activities and those of my Special Adviser. Regrettably, they had not proved sufficient to lead to the resumption of direct talks. The Security Council, in its resolution 1179 (1998) of 29 June 1998, reaffirmed that the status quo was unacceptable and that negotiations on a final political solution of the Cyprus problem had been at an impasse for too long. The Council expressed its full support for my mission of good offices and for the efforts of my Special Adviser.

6. From 1 to 4 July 1998, Mr. Cordovez paid another visit to Cyprus for consultations with the leaders of both communities. He met with the same obstacles in the effort to facilitate the resumption of direct talks.

7. In view of the continued stalemate, and following my meetings in New York on 25 September and 30 September 1998 with Mr. Clerides and Mr. Denktash respectively, I suggested that my Deputy Special Representative begin a process of on-island "shuttle talks" with both parties, with a view to reducing tension and promoting progress towards a just and lasting settlement. Both leaders expressed their support for such a process.

8. In my letter of 14 December 1998 addressed to the President of the Security Council (S/1998/1166), I informed him that the "shuttle talks" involved three clusters of problems: reduction of tension, core issues and humanitarian/goodwill issues. I was encouraged by the constructive manner in which both leaders were engaging in those talks. They made clear their commitment to avoid tension, build peace in Cyprus and the region, and achieve an overall settlement of the Cyprus problem by peaceful means. Among the elements discussed were: a commitment to reject the use of force or the threat of use of force; a commitment to the prevention of further expansion of

military forces and armaments, as well as the consequent principle of substantial reciprocal reductions; and a confirmation of agreement to the UNFICYP package of measures aimed at reducing tension along the ceasefire lines and further possible steps, including demining.

9. The Security Council, in its resolution 1218 (1998) of 22 December 1998, endorsed the September initiative within the framework of my mission of good offices. The Council requested me to work intensively with the two sides in promoting progress towards a just and lasting settlement and reducing tension on the basis of the relevant Security Council resolutions. In early January 1999, my Deputy Special Representative resumed her "shuttle talks" with the leaders of the two communities in an effort to move forward the implementation of the objectives outlined in paragraphs 4 and 5 of Security Council resolution 1218 (1998).

10. Pending a settlement, UNFICYP has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island, whose number stood at 457 in December 1998. UNFICYP officers have continued to interview, in private, Greek Cypriots who applied for "permanent transfer" to the southern part of the island, in order to verify that the transfer was voluntary. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots from the Karpas area to the southern part of the island for family and other reasons. In addition, UNFICYP has continued to assist in arranging contacts between Maronites living on the island, 171 of whom reside in the northern part of the island, and to deliver to the north foodstuffs and other supplies provided by the Government of Cyprus. UNFICYP continued its periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots. UNFICYP is in contact with some 339 Turkish Cypriots living in the southern part of Cyprus. The Force continued to provide emergency medical evacuation of civilian members of both communities residing in the nothern part of Cyprus.

11. On 21 December 1997, UNFICYP arranged for 193 Greek Cypriots to visit the Apostolos Andreas monastery on the Karpas peninsula. A Greek Cypriot visit to Apostolos Andreas on 19 April 1998 had to be cancelled owing to the imposition of new charges by the Turkish Cypriot authorities, but on 13 September 1998, 1,276 Greek Cypriots were able to visit Apostolos Andreas and another visit took place there on 30 November 1998. On 31 January 1998, UNFICYP arranged for 1,285 Turkish Cypriots to visit the Hala Sultan Tekke mosque in Larnaca. On 9 April 1998 1,314 and on 20 January 1999, 1,366 Turkish Cypriots were able to undertake the visit to this religiously significant site.

12. An expanded and automated telephone connection between the northern and southern parts of Cyprus was inaugurated by UNFICYP on 4 May at the Ledra Palace Hotel. Since 1974, the United Nations had provided the only telephone connection between the northern and southern parts of Cyprus. The existing operator-assisted telephone service had, for some time, been insufficient for the growing demand from both sides, which had resulted in delays and inconvenience to users. The upgraded service significantly increases the handling capacity, thus eliminiating the delays that users frequently

experienced. However, the Turkish Cypriot authorities have imposed fees at international rates for calls from the northern part of the island and this has affected usage.

13. On 7 and 14 March 1998, 94 Turkish Cypriot students were able to travel by road through the Government-controlled area to Kokkina to attend commemoration ceremonies there; on 8 August 1998, 721 Turkish Cypriots undertook a similar trip.

14. As previously reported (see E/CN.4/1997/48) and in line with paragraph 8 of Security Council resolution 1178 (1998), UNFICYP continued to monitor closely the living conditions of Greek Cypriots and Maronites living in the northern part of the island and Turkish Cypriots living in the southern part, and to assess them against the recommendations of UNFICYP in its humanitarian review (see E/CN.4/1997/48, paras. 13-15). The living conditions of Greek Cypriots and Maronites residing in the northern part of the island do not differ significantly from those of Turkish Cypriots living in the same area. Since the humanitarian review conducted by UNFICYP in 1995 a number of incremental improvements have occurred, which have been reported in previous reports. During 1998, the Turkish Cypriot authorities lifted most age restrictions for Greek Cypriot and Maronite children visiting their families in the north, although the age limit of 16 remains in effect for Greek Cypriot boys. Travel within the northern part of Cyprus remains restricted for Greek Cypriots, as does access to sites of religious significance to them, which can only be undertaken by groups of no less than 20. Moreover, in mid-February 1998, the Turkish Cypriot side imposed new regulations and fees for entry to and exit from the northern part of the island. Greek Cypriots and Maronites from southern Cyprus visiting relatives residing in the northern part had to pay a fee of £15 sterling per adult per visit. All residents in the northern part, Greek Cypriots, Maronites, nationals of other countries and Turkish Cypriots, travelling to the southern part have to pay a £4 transit charge, or £10 for multiple visits. These new charges have significantly reduced the number of Greek Cypriots and Maronites visiting their relatives in the northern part of Cyprus. Effective 17 April 1998, these regulations were adjusted with respect to Maronites, who were granted a reduction of the charges to £4 per visit per adult or £30 per year for multiple visits for the entire family. The charges for Greek Cypriots remained unchanged. Another major restriction has been that Greek Cypriots and Maronites residing in the northern part of Cyprus have not been able to bequeath their property, even to their next of kin, unless their heirs also lived in the northern part of the island. On 2 October 1998, the Turkish Cypriot authorities informed UNFICYP that they were reviewing legislation that barred Greek Cypriots and Maronites residing in the northern part of the island from bequeathing their property to heirs who did not reside there. Pending the review, such estates would not be seized or made available for occupation by third persons, although they would continue to be placed in the custody of the authorities. The Turkish Cypriot authorities also announced the lifting of controls on the movement of Greek Cypriots and Maronites in the north and of the limit on visits by first-degree relatives from the south to Greek Cypriots in the Karpas area. UNFICYP is trying to establish how these measures are being applied in practice.

15. During the period under review, a number of Greek Cypriots and Greek citizens were apprehended in the northern part of Cyprus after crossing the

United Nations buffer zone and detained by the Turkish Cypriot authorities. Similarly, Turkish Cypriots and Turkish citizens who crossed to the south through the buffer zone were detained by the Cyprus police. In each case, UNFICYP humanitarian and medical personnel visited the detainees and arranged for family visits in the place of their detention. All of them were subsequently released. In some instances, efforts continued after their release for the return of their belongings held in the northern part or southern part of Cyprus. UNFICYP maintains that whenever civilians cross the other side's ceasefire line in a non-belligerent manner, they and their belongings should be returned without delay.

16. UNFICYP continued its efforts to encourage contact and cooperation between the two communities and to build trust through actively promoting bicommunal events and activities. However, on 26 December 1997, the Turkish Cypriot authorities announced that they were re-evaluating bicommunal contacts in the context of the situation that had arisen as a result of the summit meeting of the European Union in Luxembourg and that all bicommunal activities would be suspended. As a result there has been no Turkish Cypriot participation in bicommunal meetings on the island in the past year. There have, however, been some meetings off-island with Turkish Cypriots in attendance and on 24 October 1998, an international United Nations Day celebration organized by UNFICYP at the Ledra Palace Hotel in the United Nations buffer zone was attended by some 5,000 people from both communities and from diplomatic missions. UNFICYP also organized two smaller functions involving, among others, representatives from both communities. The Turkish Cypriot policy has not only limited intercommunal contacts, but has also hindered routine UNFICYP liaison between health, water and electricity officials on both sides.

17. The Turkish Cypriot side repeatedly complained that the all-encompassing embargo imposed by the Greek Cypriot authorities against northern Cyprus since 1963 was continuing. This embargo covers all spheres of life, including international relations, travel, trade, tourism and the economy in general, as well as sports, cultural and social activities. The Turkish Cypriot authorities protest that this leads to the isolation of the Turkish Cypriot community from the rest of the world and creates distrust and a crisis of confidence between the two sides on the island. They claim that while this embargo continues, the superficial attempt to bring together members of the two sides serves no useful purpose, and that the creation of trust and confidence depends on the removal of these measures. Demonstrations by Greek Cypriots continued to be staged at the South Ledra checkpoint, mainly on weekends, with the aim of dissuading tourists from crossing to the north. In many instances, organized groups of schoolchildren in uniform accompanied by teachers participated in demonstrations. The demonstrations inconvenienced visitors and sometimes hindered the movement of UNFICYP and diplomatic personnel. There were also a number of rallies and demonstrations along the National Guard ceasefire line in July and August 1998 in Dherinia, Nicosia and Peristerona.

18. In accordance with the terms of reference of the Committee on Missing Persons (CMP) and upon the recommendation of the International Committee of the Red Cross, following consultations with both sides, on 15 June 1998 I

appointed Mr. Jean-Pierre Ritter as the Third Member of CMP. He has started consultations with both sides with a view to expediting the work of the Committee.

19. On 23 January 1998, the Greek Cypriot and the Turkish Cypriot representatives met at the Ledra Palace Hotel in the presence of my Deputy Special Representative to exchange information on the location of graves of Greek Cypriot and Turkish Cypriot missing persons, in pursuance of the 31 July 1997 agreement in this regard (see S/1997/962, para. 21). They also agreed to meet again to discuss the preparation of arrangements leading to the return of the remains of Greek Cypriot and Turkish Cypriot missing persons. In a further meeting on 30 April 1998, however, the Turkish Cypriot representative stated that he was not prepared to discuss the necessary arrangements leading to the exhumation and return of the remains of Greek Cypriot and Turkish Cypriot missing persons until the Greek Cypriot side, as proof of its sincerity, agreed to first look into the fate of the Greek Cypriot victims of the coup d'état against Archbishop Makarios in 1974. The Turkish Cypriot side claims that victims of the 1974 coup d'état are among those persons listed as missing. This position deviates from the 31 July 1997 agreement, which calls on the two sides to work out arrangements for the exhumation and identification of the remains located in the graves on which information was exchanged on 23 January 1998. The Greek Cypriot side has since decided to begin exhumation and identification of the remains located in graves in the area under its control. My Deputy Special Representative is continuing her efforts towards achieving progress in the implementation of the 31 July 1997 agreement.

20. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/1998/488 and S/1998/1149). A full account of the Secretary-General's efforts on his mission of good offices in Cyprus is contained in a letter addressed to the President of the Security Council and in a report to the Security Council (S/1998/518 and S/1998/1166).